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8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN 2006-707

13 **MARGARET SALINAS, aka**  
14 **MARGARITA SALINAS**  
9703 So. Orange  
Fresno, California 93725

**ACCUSATION**

15 Vocational Nurse License No. VN 144952

16 Respondent.

17 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),  
21 Department of Consumer Affairs.

22 **License History**

23 2. On or about August 2, 1989, the Board issued Vocational Nurse License  
24 Number VN 144952 ("license") to Margaret Salinas, also known as Margarita Salinas  
25 ("Respondent"). The license will expire on March 31, 2009, unless renewed.

26 **JURISDICTION**

27 3. Section 2875 of the Business and Professions Code ("Code") states, in  
28 pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may

1 discipline the holder of a vocational nurse license for any reason provided in Article 3  
2 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

3 4. Code section 118, subdivision (b), states, in pertinent part, that the  
4 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary  
5 action during the period within which the license may be renewed, restored, reissued or  
6 reinstated. Under Code section 2892.1, the Board may renew an expired license at any time  
7 within four years after the expiration.

### 8 STATUTORY PROVISIONS

9 5. Code section 2878 states, in pertinent part:

10 The Board may suspend or revoke a license issued under this  
11 chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840,  
et seq.)] for any of the following:

12 (a) Unprofessional conduct, . . .

13 (f) Conviction of a crime substantially related to the  
14 qualifications, functions, and duties of a licensed vocational nurse, in  
15 which event the record of the conviction shall be conclusive evidence of  
the conviction.

16 6. Code section 2878.6 states, in pertinent part:

17 A plea or verdict of guilty or a conviction following a plea of nolo  
18 contendere made to a charge substantially related to the qualifications,  
19 functions and duties of a licensed vocational nurse is deemed to be a  
20 conviction within the meaning of this article. . . irrespective of a  
subsequent order under the provisions of Section 1203.4 of the Penal Code  
21 allowing such person to withdraw his plea of guilty . . . , or setting aside  
the verdict of guilty, or dismissing the accusation, information or  
indictment.

### 22 COST RECOVERY

23 7. Code section 125.3 provides, in pertinent part, that the Board may request  
24 the administrative law judge to direct a licensee found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
26 and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Criminal Conviction)

3 8. Respondent has subjected her license to disciplinary action under Code  
4 section 2878, subdivision (f), in that on or about January 16, 2007, in the Superior Court of  
5 California, County of Fresno, in the case entitled, *People of the State of California v.*  
6 *Margarita Salinas* (Super. Ct. Fresno County, 2006, Case No. F06908069), Respondent was  
7 convicted on her plea of nolo contendere of violating Penal Code section 243, subdivision (c)(2)  
8 (Battery with Injury on a Peace Officer), a misdemeanor. Such crime is substantially related to  
9 the qualifications, functions or duties of a vocational nurse.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
13 Technicians issue a decision:

- 14 1. Revoking or suspending Vocational Nurse License Number VN 144952  
15 issued to Margaret Salinas, also known as Margarita Salinas;  
16 2. Ordering Margaret Salinas, also known as Margarita Salinas to pay the  
17 Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code  
18 section 125.3; and,  
19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: January 4, 2008

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
24 Executive Officer  
25 Board of Vocational Nursing and Psychiatric Technicians  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant